

GEORGIA STATE BOARD OF FUNERAL SERVICE
Secretary of State, Professional Licensing Boards Division

**NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT TO THE RULES
AND NOTICE OF PUBLIC HEARING**

Chapter 250-6 Establishment/Crematory Licensure and Regulations
Rule 250-6-.06 Funeral Establishment Inspections; Fines

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Funeral Service (hereinafter "Board") proposes an amendment to Chapter 250-6 Establishment/Crematory Licensure and Regulations, Rule 250-6-.06 Funeral Establishment Inspections; Fines (hereinafter "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being distributed to all persons who have requested, in writing, that they be placed on the interested party notification list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Board's website page at <http://sos.ga.gov/index.php/licensing/plb/30>, or by contacting the Board at 478-207-2440.

Any interested party affected by the rule may present written comments to the Board no later than close of business June 5, 2018. Written comments must be legible, signed, and should contain contact information from the maker (address, telephone number, email address, etc.). Written comments should be addressed to Lisa W. Durden, Director, Office of Secretary of State, Professional Licensing Boards Division, Georgia State Board of Funeral Service, 237 Coliseum Drive, Macon, Georgia 31217; fax (866) 888-1308. Oral statements presented during the public hearing should be concise and will be limited to five (5) minutes per person.

The Board voted to adopt this Notice of Intent at its April 10, 2018 meeting. The Board also voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. § 43-1-19; 43-1-25; 43-18-2; 43-18-23; 43-18-46; 43-18-70; 43-18-71; 43-18-75; and 43-18-76. Finally, the Board voted that it is not legal or feasible in meeting the objectives of O.C.G.A. § 43-1-19; 43-1-25; 43-18-2; 43-18-23; 43-18-46; 43-18-70; 43-18-71; 43-18-75; and 43-18-76 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed or owned and operated in the field of funeral service.

A public hearing is scheduled to begin at 1:00 p.m. on June 12, 2018, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

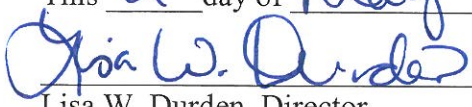
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The proposed rule amendment will be considered for adoption by the Georgia State Board of Funeral Service at its meeting scheduled to begin 1:00 p.m. on June 12, 2018, at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Funeral Service has the authority to adopt the proposed rule amendment to 250-6-.06 pursuant to authority contained in O.C.G.A. § 43-1-19; 43-1-25; 43-18-2; 43-18-23; 43-18-46; 43-18-70; 43-18-71; 43-18-75; and 43-18-76.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This 2 day of May 2018.



Lisa W. Durden, Director
Professional Licensing Boards

Posted: 5/2/2018

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SYNOPSIS OF PROPOSED CHANGES TO THE RULES
CHAPTER 250-6 Establishment/Crematory Licensure and Regulations,
RULE 250-6-.06 Funeral Establishment Inspections; Fines

Purpose: The purpose of this amendment is to correct grammatical and spelling errors, to update antiquated language, add language to provide clarification on requirements, and to provide for disciplinary action in certain situations.

Main Features: The main features of this amendment are correction of grammatical and spelling errors, additional language to update receptacle, drain, and sink requirements, clarification of seating, hearse, and license display rules, and additional language to allow additional options for Board disciplinary action.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED AMENDMENTS TO THE RULE
Chapter 250-6 Establishment/Crematory Licensure and Regulations
Rule 250-6-.06 Funeral Establishment Inspections; Fines

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

Chapter 250-6 Establishment/Crematory Licensure and Regulations

Rule 250-6-.06 Funeral Establishment Inspections; Fines

- (1) A representative of the Board shall regularly inspect establishments between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday, with the exception of State government-mandated holidays. Although the funeral director in full and continuous charge need not be present for the inspections, the establishment must be available during these hours for inspection. Upon finding a funeral establishment unavailable during an inspection attempt, the Board representative shall contact the establishment at the telephone number of record with the Board, or an alternative telephone number conspicuously posted at the establishment. If the establishment is not made available for an inspection by an establishment employee within sixty (60) minutes of the telephone contact, or if telephone contact is unsuccessful, the Board representative shall issue a written warning notifying that an inspection attempt was made. Any funeral establishment not inspected during a calendar year may have the establishment license suspended, revoked, or put on probation, or fines may be imposed by the Board.
- (2) Any violation under this section shall be deemed a violation of minimum standards and threat to the health, safety, and welfare of the public. A funeral establishment licensed by the Board shall be required to pay a fine to the Board for each violation of this section. At the time of inspection, a citation shall be issued by an inspector or representative of the Board which shall list each violation. Following the issuance of the citation, the licensee shall either remit the amount of the fine to the Board or submit a written request for an

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appearance before the Board. A request for an appearance before the Board must be received by the Board within thirty (30) days after issuance of the citation. Failure to either pay the fine or request an appearance before the Board within thirty (30) days from the issuance of the citation shall cause further disciplinary proceedings to be instituted against the licensee. The requirements for inspections and the fines for violations under this section are as follows:

- (a) ~~All~~ all outside openings must be screened where left open for ventilation. The fine for a violation of this subsection shall be \$50.00.
- (b) ~~All~~ all embalming rooms shall be equipped with the following:
 - 1. hot and cold running water; the fine for a violation under this subsection shall be \$200.00;
 - 2. non-absorbent sanitary floor and walls; the fine for a violation under this subsection shall be \$200.00;
 - 3. permanently installed ventilation; the fine for a violation under this subsection shall be \$200.00;
 - 4. a non-absorbent preparation table; the fine for a violation of this subsection shall be \$200.00;
 - 5. a preparation table equipped with sink with drain receptacle opening and a non-porous sanitary cover or dedicated drain directly connecting into a sewerage or septic tank; the fine for a violation under this subsection shall be \$200.00;
- (c) ~~In addition,~~ each embalming room shall be equipped with a ~~separate~~ sink for disinfecting of hands and a separate sink or other Board-approved method for disinfecting of instruments. The fine for a violation under this subsection shall be \$50.00;
- (d) Each embalming room, including all instruments and tables, shall be kept in a sanitary and clean condition at all times. The fine for a violation of this subsection shall be \$200.00;
- (e) Each embalming room shall contain instruments and supplies for the preparation ~~separation~~ and embalming of dead bodies. Instruments and equipment must consist of the following:
 - 1. at least one scalpel; the fine for a violation of this subsection shall be \$50.00;

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2. at least two aneurysm needles; the fine for a violation of this subsection shall be \$50.00;
 3. at least two cannulas; the fine for a violation of this subsection shall be \$50.00;
 4. embalming machine, or gravity bottle or bulb or hand pump; the fine for a violation of this subsection shall be \$50.00;
 5. 24 bottles arterial fluid and 24 bottles cavity fluid; the fine for a violation of this subsection shall be \$50.00;
 6. suture; the fine for a violation of this subsection shall be \$50.00;
 7. 1 suture needle; the fine for a violation of this subsection shall be \$50.00;
 8. trocar; the fine for a violation of this subsection shall be \$50.00;
 9. hydro aspirator or electric aspirator; the fine for a violation of this subsection shall be \$50.00; and
 10. a permanently installed back flow preventer for the hydro aspirator; the fine for a violation of this subsection shall be \$50.00.
- (f) The embalming room of an establishment shall be used only for the purpose of embalming of dead human bodies. The fine for a violation of this subsection shall be \$200.00;
- (g) An establishment must maintain on the premises a display room containing actual adult caskets, or models, mockups, or sections of caskets if all such caskets are available and in stock for purchase at the establishment or can be delivered within twenty-four (24) hours. Each funeral establishment shall maintain on the premises at each of its locations an adequate stock of funeral caskets which shall not be less than eight (8) and which shall meet such other criteria as necessary to protect the public; The fine for a violation under this subsection shall be \$100.00 per casket short of the minimum;
- (h) The establishment shall have a A room with adequate seating for a minimum of thirty (30) people in which funeral services may be conducted. The fine for a violation under this subsection shall be \$100.00;
- (i) One (1) operable motor hearse ~~and/or~~ or combination hearse/ambulance with current Georgia registration for the transportation of casketed human remains ~~which~~ must be maintained at each establishment. The fine for a violation under this subsection shall be \$100.00;

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- (j) One (1) church truck. The fine for a violation of this subsection shall be \$50.00;
- (k) A funeral establishment shall not be located in the same facility as public cafes, restaurants or any place where food is prepared and sold for public consumption. The fine for a violation of this subsection shall be \$500.00;
- (l) A funeral establishment whose funeral director resides in the funeral establishment in order to satisfy the requirements of funeral director in full and continuous charge must include in his or her living quarters furnished sleeping quarters, cooking, refrigerating, and bathing facilities. The fine for a violation of this subsection shall be \$200.00;
- (m) An establishment must have at least one sanitary rest room facility for public use. The fine for a violation of this subsection shall be \$200.00;
- (n) A new establishment must submit proof of having met zoning requirements and public health standards of its local municipalities;
- (o) An establishment must be maintained in a state of clean, sound, safe, and acceptable repair and condition at all times;
- (p) A funeral home shall have a card or brochure in each casket stating the price of the casket. When the client has decided on the type of service desired, the funeral director must provide, at the time ~~such~~ the arrangements are completed and prior to the time of rendering the service or providing the merchandise, a written statement that has been signed and certified by a licensed funeral director showing:
 - 1. the price of the service that the person or persons has selected and what is included therein;
 - 2. the price of each of the supplemental items of service and merchandise requested; and
 - 3. the amount involved for each of the items for which the funeral home will advance monies as an accommodation to the family.
- (~~i~~)4. The fine for failure to comply fully with the requirements of this subsection shall be \$200.00.
- (q) A current ~~biennial renewal~~ license for the establishment, embalmer, funeral director and any apprentices must be conspicuously displayed in the establishment. The ~~FDFCC~~ Funeral Director in Full and Continuous Charge for each funeral establishment and/or crematory establishment shall conspicuously display his/her name and current active license in all designated arrangement offices. The fine for a violation of this subsection shall be \$100.00.

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- (r) For purposes of identification of the body or remains of a deceased person for tagging purposes as required by OCGA 43-18-8, tags ~~and~~/ or labels must be attached to the deceased human body in the funeral establishment at the time the body is ~~dressed and/or~~ placed in the casket ~~and~~/or shipping container, or prior to leaving the funeral establishment to go to the crematory. The fine for failure to comply fully with the requirements of this subsection shall be \$100 per occurrence; and
- (s) The Board may issue a Cease and Desist order and, at the Board's discretion, a monetary penalty for unsanitary conditions.

Authority: O.C.G.A. § Secs. 43-1-19; 43-1-25; 43-18-2; 43-18-23; 43-18-46; 43-18-70; 43-18-71; 43-18-75; and 43-18-76

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CHAPTER 250-6 Establishment/Crematory Licensure and Regulations,

RULE 250-6-.06 Funeral Establishment Inspections; Fines

- (1) A representative of the Board shall regularly inspect establishments between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday, with the exception of State government-mandated holidays. Although the funeral director in full and continuous charge need not be present for the inspections, the establishment must be available during these hours for inspection. Upon finding a funeral establishment unavailable during an inspection attempt, the Board representative shall contact the establishment at the telephone number of record with the Board, or an alternative telephone number conspicuously posted at the establishment. If the establishment is not made available for an inspection by an establishment employee within sixty (60) minutes of the telephone contact, or if telephone contact is unsuccessful, the Board representative shall issue a written warning notifying that an inspection attempt was made. Any funeral establishment not inspected during a calendar year may have the establishment license suspended, revoked, or put on probation, or fines may be imposed by the Board.
- (2) Any violation under this section shall be deemed a violation of minimum standards and threat to the health, safety, and welfare of the public. A funeral establishment licensed by the Board shall be required to pay a fine to the Board for each violation of this section. At the time of inspection, a citation shall be issued by an inspector or representative of the Board which shall list each violation. Following the issuance of the citation, the licensee shall either remit the amount of the fine to the Board or submit a written request for an appearance before the Board. A request for an appearance before the Board must be received by the Board within thirty (30) days after issuance of the citation. Failure to either pay the fine or request an appearance before the Board within thirty (30) days from the issuance of the citation shall cause further disciplinary proceedings to be instituted against the licensee. The requirements for inspections and the fines for violations under this section are as follows:
 - (a) all outside openings must be screened where left open for ventilation. The fine for a violation of this subsection shall be \$50.00.
 - (b) all embalming rooms shall be equipped with the following:
 1. hot and cold running water; the fine for a violation under this subsection shall be \$200.00;
 2. non-absorbent sanitary floor and walls; the fine for a violation under this subsection shall be \$200.00;
 3. permanently installed ventilation; the fine for a violation under this subsection shall be \$200.00;

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4. a non-absorbent preparation table; the fine for a violation of this subsection shall be \$200.00;
5. preparation table equipped with receptacle and a non-porous sanitary cover or dedicated drain directly connecting into a sewerage or septic tank; the fine for a violation under this subsection shall be \$200.00;
- (c) each embalming room shall be equipped with a sink for disinfecting of hands and a separate sink or other Board-approved method for disinfecting of instruments. The fine for a violation under this subsection shall be \$50.00;
- (d) Each embalming room, including all instruments and tables, shall be kept in a sanitary and clean condition at all times. The fine for a violation of this subsection shall be \$200.00;
- (e) Each embalming room shall contain instruments and supplies for the preparation and embalming of dead bodies. Instruments and equipment must consist of the following:
 1. at least one scalpel; the fine for a violation of this subsection shall be \$50.00;
 2. at least two aneurysm needles; the fine for a violation of this subsection shall be \$50.00;
 3. at least two cannulas; the fine for a violation of this subsection shall be \$50.00;
 4. embalming machine, or gravity bottle or bulb or hand pump; the fine for a violation of this subsection shall be \$50.00;
 5. 24 bottles arterial fluid and 24 bottles cavity fluid; the fine for a violation of this subsection shall be \$50.00;
 6. suture; the fine for a violation of this subsection shall be \$50.00;
 7. 1 suture needle; the fine for a violation of this subsection shall be \$50.00;
 8. trocar; the fine for a violation of this subsection shall be \$50.00;
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- (f) The embalming room of an establishment shall be used only for the purpose of embalming of dead human bodies. The fine for a violation of this subsection shall be \$200.00;
- (g) An establishment must maintain on the premises a display room containing actual adult caskets, or models, mockups, or sections of caskets if all such caskets are available and in stock for purchase at the establishment or can be delivered within twenty-four (24) hours. Each funeral establishment shall maintain on the premises at each of its locations an adequate stock of funeral caskets which shall not be less than eight (8) and which shall meet other criteria as necessary to protect the public; The fine for a violation under this subsection shall be \$100.00 per casket short of the minimum;
- (h) The establishment shall have a room with adequate seating for a minimum of thirty (30) people in which funeral services may be conducted. The fine for a violation under this subsection shall be \$100.00;
- (i) One (1) operable motor hearse or combination hearse/ambulance with current Georgia registration for the transportation of casketed human remains must be maintained at each establishment. The fine for a violation under this subsection shall be \$100.00;
- (j) One (1) church truck. The fine for a violation of this subsection shall be \$50.00;
- (k) A funeral establishment shall not be located in the same facility as public cafes, restaurants or any place where food is prepared and sold for public consumption. The fine for a violation of this subsection shall be \$500.00;
- (l) A funeral establishment whose funeral director resides in the funeral establishment in order to satisfy the requirements of funeral director in full and continuous charge must include in his or her living quarters furnished sleeping quarters, cooking, refrigerating, and bathing facilities. The fine for a violation of this subsection shall be \$200.00;
- (m) An establishment must have at least one sanitary rest room facility for public use. The fine for a violation of this subsection shall be \$200.00;
- (n) A new establishment must submit proof of having met zoning requirements and public health standards of its local municipalities;
- (o) An establishment must be maintained in a state of clean, sound, safe, and acceptable repair and condition at all times;
- (p) A funeral home shall have a card or brochure in each casket stating the price of the casket. When the client has decided on the type of service desired, the funeral director must provide, at the time the arrangements are completed and prior to the

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time of rendering the service or providing the merchandise, a written statement that has been signed and certified by a licensed funeral director showing:

1. the price of the service that the person or persons has selected and what is included therein;
 2. the price of each of the supplemental items of service and merchandise requested; and
 3. the amount involved for each of the items for which the funeral home will advance monies as an accommodation to the family.
 4. The fine for failure to comply fully with the requirements of this subsection shall be \$200.00.
- (q) A current license for the establishment, embalmer, funeral director and any apprentices must be conspicuously displayed in the establishment. The Funeral Director in Full and Continuous Charge for each funeral establishment and crematory establishment shall conspicuously display his/her name and current active license in all designated arrangement offices. The fine for a violation of this subsection shall be \$100.00.
- (r) For purposes of identification of the body or remains of a deceased person for tagging purposes as required by OCGA 43-18-8, tags or labels must be attached to the deceased human body in the funeral establishment at the time the body is placed in the casket or shipping container, or prior to leaving the funeral establishment to go to the crematory. The fine for failure to comply fully with the requirements of this subsection shall be \$100 per occurrence; and
- (s) The Board may issue a Cease and Desist order and, at the Board's discretion, a monetary penalty for unsanitary conditions.

Authority: O.C.G.A. § Secs. 43-1-19; 43-1-25; 43-18-2; 43-18-23; 43-18-46; 43-18-70; 43-18-71; 43-18-75; and 43-18-76